

### **Remarks/Arguments**

Reconsideration of the captioned application as amended herewith and in view of the following Remarks and Arguments is respectfully requested.

#### **I. Amendments To The Claims**

Claims 2 – 11 and 14 are pending in this application. Claim 14 has been amendment to more clearly define that which Applicant considers to be the invention. Support for the amendment to claim 14 can be found in original claim 1 and at least at pages 2 and 3 of the specification.

#### **II. The Rejections under 35 U.S.C. §102 (b) Have Been Overcome**

Claims 1 – 3, 10 and 11 were rejected under 35 U.S.C. 102 (b) as being anticipated by the '317 patent. Claims 1 – 4, 8 and 11 were rejected under 35 U.S.C. 102 (b) as being anticipated by the '715 patent. In the Final Office Action mailed February 4, 2004 ("Final Office Action"), the Examiner states that "the phrase 'to provide a facial mask composition' is an intended use or purpose of the composition and thusly no patentable weight is given the phrase. Instant claims are drawn to a composition, rather than a method of using the combination of colorant and silica to make a color-changing mask." In response, Applicants have presented new claim 14 which clearly relates to a **method** of using the combination of colorant and silica in a facial mask composition that is applied to the face to provide a color change in said facial mask composition when said facial mask composition is dry. Neither the '317 patent nor the '715 patent teach or suggest the claimed method recited by new claim 14. Accordingly, the rejections should be withdrawn.

#### **III. The Rejections under 35 U.S.C. §103 (a) Have Been Overcome**

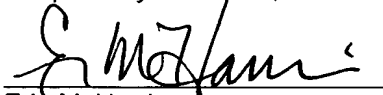
Claims 1 - 10, 12 and 13 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Neova in view of the '818 patent and the '771 patent. Claim 11 was rejected under 35 U.S.C. 103 (a) as being unpatentable over Neova in view of the '818 patent and the '771 patent, and further in view of Cabot. Claims 1 – 4 and 11 – 13 were rejected under 35 U.S.C. 103 (a) as being unpatentable over the '782 patent. None of the references relied upon by the Examiner, taken alone or in any combination, teach or suggest Applicants claimed method of using the combination of colorant and silica in a facial mask composition that is applied to the face to provide a color change in the facial mask composition when the facial mask composition is dry. Accordingly, the rejection should be withdrawn.

#### IV. Conclusion

Applicants believe that the foregoing presents a full and complete response to the outstanding Office Action. An early and favorable response to this Amendment is earnestly solicited. If the Examiner feels that a discussion with Applicants' representative would be helpful in resolving the outstanding issues, the Examiner is invited to contact Applicants' representative at the number provided below.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 10-0750/JBP-563/EMH. If a fee is required for an Extension of time 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Erin M. Harriman", is written over a horizontal line.

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